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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HAJIME INOUE, TATSUNYA WAKAHARA,
NAOKI MURAYAMA, and MASAO MIZUTANI

Appeal 2009-007287
Application 09/466,279
Technology Center 2400

Decided: January 20, 2010

Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO, and
KEVIN F. TURNER, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Final Rejection of claims 1, 3-11, and 13-20, which are all of the pending claims. Claims 2 and 12 have been canceled. An oral hearing was conducted on this appeal on January 12, 2010. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Brief (filed November 2, 2007), the Answer (mailed January 25, 2008), and the Reply Brief (filed March 27, 2008) for the respective details. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants' Invention

Appellants' invention relates to the receiving of digital broadcast signals by an integrated receiver decoder (IRD) connected to a television receiver. The IRD also includes an IEEE 1394 interface that transfers video and audio data between digital video and digital audio equipment at high speed. A number of equipment units are connected to the IRD and, as each equipment is registered, its unique node ID is stored in a nonvolatile memory. Accordingly, even if the equipment is removed from the interface and connected again, the IRD can recognize the equipment. (*See generally* Spec. 4:14–5:13).

Claim 1 is illustrative of the invention and reads as follows:

1. A receiving apparatus for receiving a digital broadcast which comprises a transport stream in which video data and audio data have been compressed and multiplexed, comprising:

a decoder for decoding the transport stream;

a digital interface for mutually transmitting the decoded transport stream to and receiving the decoded transport stream from digital signal processing devices; and

a register for selecting a predetermined number of devices from among a plurality of digital signal processing devices connected to said digital interface and for allocating unique node identification numbers to said selected devices, for each of said selected devices, said register storing a record of said unique node identification number allocated to said selected device and maintaining said record regardless of whether said selected device remains connected to said digital interface.

The Examiner's Rejection

The Examiner's Answer cites the following prior art references:

Staats	US 5,764,930	Jun. 9, 1998
Yoshino	EP 0 853 402 A2	Jul. 15, 1998
Horlander	US 6,507,953 B1	Jan. 14, 2003
		(filed Jan. 31, 1997)

Claims 1, 3-8, 10, 11, 13-18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshino in view of Staats.

Claims 9 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshino in view of Staats and Horlander.

ISSUE

The pivotal issue before us is whether Appellants have demonstrated that the Examiner erred in determining that Staats discloses the maintaining of a stored record of unique node identification numbers which have been allocated to specific devices regardless of whether the selected devices

remain connected to a digital interface of a broadcast receiving system. The issue turns on whether the Examiner erred in finding that the node reference identification numbers of Staats, which remain unchanged after a bus reset, correspond to the claimed unique node identification numbers.

FINDINGS OF FACT

The record supports the following relevant findings of fact (FF) by a preponderance of the evidence:

1. Staats discloses (Fig. 1; col. 3, ll. 1-3; col. 5, ll. 13-17) a data communication network in which node reference IDs are determined at system start-up.
2. Staats further discloses (Fig. 2; col. 5, ll. 17-21) that data records of the node reference IDs are maintained and do not change following a bus reset.
3. Staats also discloses (col. 2, ll. 13-22) that the node reference IDs are associated with specific device nodes. According to Staats (col. 2, ll. 60-63), “each node will have an associated unique ID, reference ID and base address.”
4. Horlander discloses a system (Fig. 1; col. 4, ll. 12-26; col. 7, l. 66–col. 8, l. 14) for providing a log of recording conflict errors and the communication of error to users through a display of warning messages (col. 22, ll. 24-43).

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of

obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966) (stating that 35 U.S.C. § 103 leads to three basic factual inquiries: the scope and content of the prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the art). “[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Furthermore,

“there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.

KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 418 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

ANALYSIS

Claims 1, 5, 7, 8, 10, 11, 15, 17, 18, and 20

With respect to the Examiner’s 35 U.S.C. § 103(a) rejection of each of the appealed independent claims 1 and 11 based on the combination of Yoshino and Staats, Appellants’ arguments (App. Br. 19-24) assert a failure to set forth a *prima facie* case of obviousness since all of the claim limitations are not taught or suggested by the applied prior art references. Appellants’ arguments do not attack the Examiner’s basis for combining Yoshino and Staats but, rather, focus on the alleged deficiency of Staats in disclosing the claimed allocation of unique node identification (ID) numbers

to selected devices, a record of which is maintained regardless of whether a selected device remains connected to the system.¹

According to Appellants (App. Br. 13-18; Reply Br. 2-7), the Examiner's finding of correspondence between the node reference ID of Staats is in error since Staats's node reference ID is merely a pointer to identify a device record which is subject to change. In Appellants' interpretation of the disclosure of Staats, the node bus addresses change upon a bus reset and, therefore, the stored record of a device, which includes the node bus addresses, will change in contrast to being maintained as required by the claims.

We do not find Appellants' arguments to be persuasive of any error in the Examiner's stated position as we find Appellants' arguments to be not commensurate with the scope of independent claims 1 and 11. While Appellants' arguments emphasize that the device record in Staats is not maintained after a bus reset since the node bus addresses will change, it is important to note that the language of independent claims 1 and 11 does not require that a record of the *device* be stored and maintained but, rather, only that a record of *the unique node ID numbers* be stored and maintained.

With the above discussion in mind, we find no error in the Examiner's finding (Ans. 5-6, 11-14) that the node reference IDs of Staats correspond to the claimed unique node identification numbers. As disclosed by Staats, the node reference IDs are determined at system start-up (FF 1), and data

¹ While Appellants argue (App. Br. 18-19) independent claims 1 and 11 together, claim 11, unlike claim 1, has no recited limitation of *maintaining* a stored record of unique node identification numbers.

records of the node reference IDs are maintained and do not change when devices are disconnected and then reconnected following a bus reset (FF 2).

Further, we find, Appellants' arguments (App. Br. 15-16; Reply Br. 3) to the contrary notwithstanding, that Staats discloses (FF 3) that the node reference IDs are associated with and allocated to specific device nodes. Staats's disclosure of this feature continues at column 2, lines 60-63 which states that "*each* node will have an associated unique ID, *reference ID* and base address" (emphases added).

Lastly, we find to be without merit Appellants' argument (App. Br. 17) which draws attention to the fact that, while Staats's node reference IDs are bus reset invariant, Staats discloses (col. 3, ll. 3-4) that they are subject to change across system resets. As discussed by the Examiner (Ans. 15), the fact that Staats's node reference IDs are maintained during a bus reset in which devices will be at least momentarily disconnected, as Appellants' arguments impliedly recognize (App. Br. 14-15, bridging ¶), satisfies the requirements of independent claims 1 and 11. The fact that Staats's record of node reference IDs may not be maintained during other circumstances of device disconnection is not precluded by the claims.

For the above reasons, since it is our opinion that the Examiner has established a prima facie case of obviousness which has not been overcome by any convincing arguments from Appellants, the Examiner's 35 U.S.C. § 103(a) rejection of independent claims 1 and 11, as well as dependent claims 5, 7, 8, 10, 15, 17, 18, and 20 not separately argued by Appellants, is sustained.

Claims 3 and 13

We also sustain the Examiner's obviousness rejection of dependent claims 3 and 13, which are directed to a device connection confirmation feature. Appellants' arguments to the contrary notwithstanding (App. Br. 19), we agree with the Examiner (Ans. 16) that an ordinarily skilled artisan would have recognized and appreciated that Staats's teaching (col. 3, ll. 1-14) of a connected device scan at system initialization after a bus reset would result in a confirmation of whether devices are connected to the bus in correspondence to the claimed limitations.

Claims 4 and 14

The Examiner's obviousness rejection of dependent claims 4 and 14 is also sustained. Appellants' arguments (App. Br. 20; Reply Br. 8) reiterate their previous contention that, in contrast to the claimed feature of allocating the same unique IDs upon selected device re-connection, it is the node base addresses of Staats which correspond to the claimed unique node IDs and these addresses change after a bus reset. As previously discussed, however, we agree with the Examiner's finding (Ans. 16) that it is the node reference IDs of Staats, which do not change after a bus reset, that correspond to the claimed unique node IDs.

Claims 6 and 16

We do not find Appellants' arguments to be persuasive of any error in the Examiner's stated position (Ans. 7, 16-17). We agree with the Examiner that, since Staats's disclosure (col. 5, ll. 3-61) makes it imperative that the node reference ID records are maintained and do not change after a bus

reset, such node reference ID records are prohibited from being cancelled, as broadly claimed by Appellants. Accordingly, the Examiner's obviousness rejection of dependent claims 6 and 16 is sustained.

Claims 9 and 19

The Examiner's obviousness rejection of dependent claims 9 and 19, in which the warning display teachings of Horlander are applied to the combination of Yoshino and Staats, is also sustained. Appellants' arguments (App. Br. 21-23; Reply Br. 8-9) are not persuasive of any error in the Examiner's finding that Horlander's discloses a teaching (col. 4, ll. 12-26; col. 7, l. 66–col. 8, l. 14) of providing a log of recording conflict errors, as well as a teaching of communicating error to a user through a display of warning messages (col. 22, ll. 24-43).

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that Appellants have not shown that the Examiner erred in rejecting appealed claims 1, 3-11, and 13-20 for obviousness under 35 U.S.C. § 103.

DECISION

The Examiner's 35 U.S.C. § 103 rejection of appealed claims 1, 3-11, and 13-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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babc

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